JDW
COUNSEL
ALIGNED FOR EXCELLENCE

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April 4th, 2025

Dear Honorable Members of the Marijuana Control Board,

This letter is being presented to you to address concerns in the regulations in regard to 3 AAC 306.355, specifically (3) more than 5,600 milligrams of THC in combined sales of marijuana and marijuana products. Besides the fact that the marijuana regulations were drafted with the intent to mirror the alcohol regulations (that does NOT limit the amount of alcohol that a customer can purchase at all, let alone per day), Alaska Statute 17.38.020. Personal use of marijuana – allows for one ounce or less of marijuana to be on a person at any time and does not limit the milligrams of THC. If a customer is to purchase the allowable one ounce of marijuana flower and that flower had a high percentage of THC on the label say for instance 20% THC (this is a low number and the Industry will confirm that with numbers this low, the flower is VERY hard to sell, if not impossible), the sale allowed by Alaska Statute would violate the AMCO regulation, furthermore, the consumer would not be allowed to purchase any additional products.

1 g = 1000 milligrams
1000 mg x 20% = 200 mg
28.35 g x 1000 milligrams x 20% THC = **5,670 milligrams of total THC.**
Now let's compare with marijuana concentrates and the seven-gram limit using the same calculation and the extremely high percentage of THC in those products.
1 g = 1000 milligrams
1000 mg x 81% = 870 mg
7 g x 1000 milligrams x 81% = **5,670 milligrams of total THC.**

Example sale: Customer wants to purchase half an ounce of marijuana flower (20% THC), three vape carts (86% THC) and a few packages of edibles (gummies, chocolate bar, cookies) (100mg THC per package), their sale would be 2,835 mg + 2,580 mg + 300 mg = **5,715 milligrams of total THC.**

It could be argued that "no one needs to purchase that much marijuana at a time" yet no one has that same argument for any other legal retail establishment, nor do we know, or is it any of our business why a large purchase is being made. Perhaps a consumer has health issues or chronic pain and wants to avoid opiate use, maybe they live in a remote location and can only travel once in a while, there could be many reasons associated with this type of purchase. It has been said by MCB members that this is a "free market", tell me, what's so free about limiting the amount of a legal product that a consumer can purchase? Would you tell a restaurant that they can only sell a certain number of calories per person, per day?

It is a difficult task to use other states in a comparison as most states have a Medical program and are not solely recreational however, using data from BLAZE US Knowledge Center (https://support.blaze.me/hc/en-us/articles/retail-purchase-limits-for-medical-and-recreational-cannabis-by-state), below are the states that have recreational marijuana and the allowable limits;

Arizona – 1 ounce of marijuana or cannabis-infused products with no more than 5 grams of concentrate in it;

California – 28.5 grams of non-concentrated cannabis, 8 grams of concentrated cannabis (includes concentrated cannabis contained in cannabis products), and 6 immature cannabis plants in one day to a customer;

Colorado – up to 1 ounce of marijuana flower, or 8 grams of concentrates, or 800 milligram servings of edible product, or more than 6 seeds in a day to a customer. This does not include non-edible, non-psychoactive products such as topicals;

Connecticut – up to one ounce of cannabis or the equivalent amount of cannabis products or a combination of cannabis and cannabis products;

Delaware – 1 ounce of leaf marijuana, 12 grams or less of concentrated cannabis, or cannabis products containing 750 milligrams or less of delta-9;

Illinois – up to 30 grams of dried cannabis, no more than 500 mg of THC contained in infused products, or 5 grams of concentrate;

Indiana – no purchase limits;

Maine – up to 2 ½ ounces of marijuana flower or a combination of marijuana flower and up to 5 grams of marijuana concentrate, totaling no more than 2 ½ ounces in one day;

Maryland – up to 1.5 ounces of cannabis flower, 12 grams of concentrated cannabis, or a total amount of cannabis products that does not exceed 750 mg THC;

Massachusetts – up to one ounce of dry marijuana or its equivalent in concentrate or edible marijuana products per day. One ounce of dry marijuana is equal to 5 grams of active THC in marijuana concentrate or 500 milligrams of THC in edibles. Topical products are not subject to daily sales limitations;

Michigan – up to 2 ½ ounces of marijuana flower or a combination of marijuana flower and up to 15 grams of marijuana concentrate, totaling no more than 2 ½ ounces daily;

Minnesota – 2 ounces of flower, 8 grams of THC concentrate and 800 milligrams of edible product, including the lower-potency edibles currently legal in Minnesota;

Montana – up to one ounce of usable marijuana, except that not more than 8 grams may be in a concentrated form and not more than 800 milligrams of THC may be in edible marijuana products;

Nevada – up to 1 ounce of usable marijuana, or its equivalent, within one day;

New Jersey – 28.35 grams of dried flower, or 4 grams of solid cannabis concentrates or resin, or the equivalent of 4 grams of concentrate in liquid form (solution in milliliters), or 4 grams of vaporized formulations (oil) or, 1000 mg of multiple ingestible cannabis-infused products (10 100 mg packages) like gummies, a purchase of a combination of products may be ½ ounce of dried flower plus 2 grams of concentrate, or 5 packages of gummies and ½ ounce of dried flower;

New Mexico – up to 2 ounces of cannabis, 16 grams of extract, or 800 milligrams of edible cannabis at one time;

New York – 3 ounces of weed flower or 24 grams of marijuana concentrate;

Oregon – 2 ounces of usable marijuana, 5 grams of cannabinoid extracts or concentrates, 16 ounces of a cannabinoid product in solid form, 72 fluid ounces of a cannabinoid product in liquid form, 10 marijuana seeds and 4 immature marijuana plants in one day;

Rhode Island – up to an ounce of cannabis, may grow cannabis within their primary residence (up to certain limits) and possess up to 10 ounces of cannabis in addition to live plants;

Vermont – one ounce of cannabis, or the equivalent amount of cannabis products and two mature cannabis plants or four immature cannabis plants;

Virginia – up to one ounce of cannabis, or the equivalent amount of cannabis products, and could share the same amount with other adults;

Washington – up to 1 ounce of usable marijuana in one day, one ounce of flower is equivalent to 16 ounces of solid marijuana-infused edibles, 72 ounces of liquid marijuana-infused edibles, and 7 grams of marijuana concentrate;

Furthermore, there is no set limit of THC in Alaska Statute, the only limit is in the previously mentioned statute for personal use of one ounce of marijuana, this being said, to be consistent with Alaska Statute, keeping the legal limit of marijuana at one ounce is understandable however, marijuana products[1] such as edibles, ointments and tinctures, if kept within the personal use - one ounce of "marijuana"[2] limit should not have a limit on THC.

Thank you for your thoughtful consideration and we look forward to working together to make this industry stronger together.

Truly and Sincerely Yours,

Jana D. Weltzin, *Esq*

[1] "Marijuana products" means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

[2] "Marijuana" means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate; "marijuana" does not include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant that is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products, or industrial hemp as defined in AS 03.05.100

From:	Jana Weltzin
To:	CED MCB AMCO (CED sponsored)
Cc:	Marijuana Licensing (CED sponsored); Brenda Mills
Subject:	Fwd: Comments for Marijuana Mailbox in regards to Marijuana sales Limits on Quantity Sold
Date:	Friday, April 4, 2025 1:36:41 PM
Attachments:	MCB Letter regarding limits on quantity sold - SIGNED.pdf

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Jana D. Weltzin, Esq.

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---------- Forwarded message ---------
From: **Jana Weltzin** <jana@jdwcounsel.com>
Date: Fri, Apr 4, 2025 at 1:19 PM
Subject: Comments for Marijuana Mailbox in regards to Marijuana sales Limits on Quantity Sold
To: <marijuana@alaska.gov>
Cc: Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>, Brenda Mills

<brenda@jdwcounsel.com>

Hello! My hope is that this will make it into the April MCB mailbox - please see attached and thank you very much. Have a great weekend,

Jana D. Weltzin, Esq.

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